

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814
(916) 322-5330



May 31, 1985

ALL-COUNTY LETTER NO. 85-59

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: AFDC NOTICES OF ACTION TO IMPLEMENT DARCES v. WOODS COURT ORDER

REFERENCE: ACIN I-50-84, ACL 84-124, ACL 85-19

Attached are reproducible copies of the Notice of Action (NOA) language which counties must use in notifying applicants/recipients of specific changes due to the Darces v. Woods court order. Counties were notified by All-County Letter (ACL) 85-19 that under the Darces v. Woods court order, effective November 1, 1984, counties are required to (1) allow for the needs of an undocumented minor in the home when determining the income of the minor's parent that is available to the assistance unit and (2) cease assuming income to be available to the assistance unit when it is actually being used to meet the needs of the parent's unaided, undocumented minor children. Attachment I is an index of the notices transmitted by this letter.

The attached NOA messages were developed to be used specifically in circumstances resulting from changes due to the Darces court order. The language on the attached NOAs has been approved under the terms of the Turner Consent Decree and must be used for all further actions under Darces v. Woods. Counties may reproduce the attached notices or transfer the exact language to any other appropriate NOA form (e.g., the NA 990 in Case Data Counties).

Attachment II lists the instructions for the use of each NOA message.

Notices that are marked with "4/85 TEMP" in the lower left corner near the message number are to be used only for retroactive notification of those cases which have previously been flagged for retroactive implementation of Darces

back to November 1, 1984. These temporary notices are only to be used for those retroactive changes. All other notices are considered permanent. Translated versions of all of these notices will follow shortly.

If you have any questions, please contact the AFDC Policy Implementation Bureau at (916) 322-5330 or ATSS 492-5330.



ROBERT A. HOREL

Deputy Director

Attachments

cc: CWDA

INDEX
NOTICES OF ACTION
REQUIRED BY DARCES COURT ORDER

<u>NUMBER</u>				<u>TITLE</u>
<u>Darces v. Woods</u>			1	Deny or Discontinue, Financial Eligibility
"	"	"	2	Deny or Discontinue, 185 Percent Gross Income
"	"	"	3	Suspension, 185 Percent Gross Income
"	"	"	4	Grant Approval or Grant Amount Change
"	"	"	5	Retroactive Denial or Discontinuance, 185 Percent Gross Income
"	"	"	6	Retroactive Denial or Discontinuance, Financial Eligibility
"	"	"	7	Retroactive Grant Payment
"	"	"	8	Retroactive Grant Approval and Grant Computation
"	"	"	9	Financial Eligibility/Grant Computation Worksheet
"	"	"	10	General Notice

INSTRUCTIONS

The following notices are to be used only when there are undocumented alien minors in the home and their parent(s) has income that must be allocated to the assistance unit. The parent may either be a member of the assistance unit or excluded from the assistance unit.

Darces v. Woods 1 Deny or Discontinue, Financial Eligibility.

Use to deny an application for aid or discontinue an ongoing case because family income exceeds the needs of the family. The attachment sheet to be used with this message is the Darces v. Woods 9, Financial Eligibility/Grant Computation Worksheet.

Darces v. Woods 2 Deny or Discontinue, 185 Percent Gross Income.

Use to deny an application for aid or discontinue an ongoing case because family income exceeds 185% limit. Use this only when the family fails both the regular and the Darces 185% income test and this is the reason for denial or discontinuance. Include the income and needs of the eligible family members, excluded parent (if applicable) and the undocumented alien minors in the home on this notice.

Darces v. Woods 3 Suspension, 185 Percent Gross Income.

Use to suspend an ongoing case when the Darces 185% income test has been used and family income exceeds 185% limit but the income level is not expected to continue. The needs and income (if applicable) of the undocumented alien minors are included in the 185% income test.

Darces v. Woods 4 Grant Approval or Grant Amount Change.

Use to approve application for aid or to notify a case that the amount of their aid payment has changed. The needs and income (if applicable) of the undocumented alien minors in the home are considered when computing the available income to the assistance unit. The attachment sheet to use with this message is the Darces v. Woods 9, Financial Eligibility/Grant Computation Worksheet.

Darces v. Woods 5 (4/85 TEMP) Retroactive Denial or Discontinuance, 185 Percent Gross Income.

Use to notify cases denied or discontinued since November 1, 1984 due to income in excess of 185% gross income limit, that their case was reviewed in response to the Darces court order. Family income still exceeds 185% limit even when the needs and income (if applicable) of the undocumented minors are included.

Darces v. Woods 6 (4/85 TEMP) Retroactive Denial or Discontinuance, Financial Eligibility.

Use to notify cases previously denied or discontinued due to family income in excess of family need, that their case was reviewed in response to the Darces court order. The case is still not eligible even when the needs and income (if applicable) of the undocumented alien children are included. The attachment sheet to use with this message is the Darces v. Woods 9, Financial Eligibility/Grant Computation Worksheet.

Darces v. Woods 7 (4/85) Retroactive Grant Payment.

Use to notify cases that they are entitled to a retroactive grant payment because the needs of the undocumented minors in the home were not included when the grant was originally computed. List each month for which a case is due a retroactive payment, the grant amount originally paid for each month, the corrected grant amount for each month and the retroactive grant amount due for each month. One Darces v. Woods 9, Financial Eligibility/Grant Computation Worksheet must be attached for each month the case is entitled to a retroactive payment. This worksheet will show how the grant was recomputed.

Darces v. Woods 8 (4/85) Retroactive Approval and Computation.

Use to notify those cases previously denied or discontinued (since November 1, 1984), that their case was reviewed in response to the Darces court order. This notice is to be used to notify the case that they are now approved for aid and to indicate any retroactive aid they are entitled to receive. One Darces v. Woods 9, Financial Eligibility/Grant Computation Worksheet must be attached to show how the grant was computed for every month the case is due a retroactive payment.

Darces v. Woods 9 Financial Eligibility/Grant Computation Worksheet.

Use this attachment worksheet whenever a case is being notified that they are not financially eligible or whenever a case is being notified of a grant approval, grant change or retroactive grant payment. This worksheet will only be used as an attachment sheet to another notice. Section A is used to compute MAP differential for the undocumented minors and the excluded parent with income. Also, this section is used to include any income of the undocumented minors in order to compute their unmet needs. In Section B, the net income of the eligible family members and excluded parent shall be computed. When using Section B in a financial eligibility notice, counties must be sure that the \$30 and 1/3 earned income disregard is only included when the eligible family member with income was eligible for and received AFDC during at least one of the immediately preceding four months. Also, when using Section B in a financial eligibility notice, child support collected by the county should be listed under countable income. Line 10 of Section B should be the total of both line 9 entries whenever there is both eligible family income and excluded parent income.

In Section C, the total need of the eligible family members shall be computed using MBSAC and the special needs to determine financial eligibility. Section D is used to compute the aid payment. In notifying a case that they are not financially eligible because net income exceeds family need, only Sections A, B and C will be used. In a grant computation notice, only Sections A, B and D will be used.

Darces v. Woods 10 General Notice.

Use to notify cases that were previously denied or discontinued to contact the county welfare office at once because they may now be eligible for assistance because of the Darces court order. These cases would include cases that have been denied or discontinued since November 1, 1984 and it is necessary for the county to obtain additional information from the family to determine eligibility under Darces.

Notice of Action

Page ___ of ___

If you have questions or want more information about this action, please contact your worker.

Case Name _____
Case Number _____
Worker _____
Phone _____
Date _____

Description of the Action, Amount, Reason(s), Comments. Effective _____, the following action is being taken:

- ☐ The County has denied your application for cash aid.
☐ The County is stopping your cash aid.

Your family's non-exempt income (line 12, Section B on the attached sheet) exceeds your family's needs as set by the State (line 3, Section C on the attached sheet). Thus, you cannot get aid.

By law, the County must include the unmet need of undocumented alien children who live with you when figuring your family's eligibility for aid. The County has done so on the attached sheet.

Regulations. This action is required by State regulations which are available for review at the county welfare department: Manual of Policies and Procedures (MPP) Section(s) 44-207.3, Darces v. Woods Court Order and ACL 85-19.

Medi-Cal: California Administrative Code Title 22, Section(s) _____

Child Support. The District Attorney can help you locate an absent parent, legally establish your child's paternity, and collect child support. To obtain these services, or to continue them if aid is discontinued, you must contact the District Attorney's office.

Family Planning Services. Information is available from the County Welfare Department on request.

State Hearing. If you are dissatisfied with this action, your aid may continue unchanged if you ask for a State Hearing before the effective date of the action. Read the back for important information about your right to appeal this action.

Darces v. Woods 1, Deny or Discontinue, Financial Eligibility

Notice of Action

If you have questions or want more information about this action, please contact your worker.

Case Name :
Case Number :
Worker :
Phone :
Date :

Description of the Action, Amount, Reason(s), Comments. Effective _____, the following action is being taken:

☐ The County has denied your application for cash aid.

☐ The County is stopping your cash aid.

The gross income of your eligible family members exceeds 185 percent of their needs as set by the State.

By law, the county must also consider both the income and needs of undocumented alien children who live with you to see if this helps you meet the income test. Your family's gross income still exceeds 185% of your needs, including the income and needs of the undocumented children. So you do not qualify for aid. See table below.

Income Source (Eligible family, Undocumented children and Excluded Parent with income)	Amount	Computation of Need (Eligible family, Undocumented children and Excluded Parent with income)
_____	\$ _____	1. Basic Need for _____ Persons \$ _____
_____	\$ _____	2. Special Need + _____
_____	\$ _____	3. Total \$ _____
_____	\$ _____	x 1.85
_____	\$ _____	4. 185% of Need \$ _____
_____	\$ _____	
_____	\$ _____	
Gross Income	\$ _____	

Regulations. This action is required by State regulations which are available for review at the county welfare department: Manual of Policies and Procedures (MPP) Section(s) 44-207.2, Darces v. Woods Court Order and ACL 85-19.

Medi-Cal: California Administrative Code Title 22, Section(s) _____

Child Support. The District Attorney can help you locate an absent parent, legally establish your child's paternity, and collect child support. To obtain these services, or to continue them if aid is discontinued, you must contact the District Attorney's office.

Family Planning Services. Information is available from the County Welfare Department on request.

State Hearing. If you are dissatisfied with this action, your aid may continue unchanged if you ask for a State Hearing before the effective date of the action. Read the back for important information about your right to appeal this action.

Darces v. Woods 2, Deny or Discontinue, 185 Percent Gross Income

Notice of Action

*if you have questions or want more information
about this action, please contact your worker.*

Case Name _____
Case Number _____
Worker _____
Phone _____
Date _____

Description of the Action, Amount, Reason(s), Comments. Effective _____, the following action is being taken:
The County is stopping your cash aid for the month of _____.

The gross income of your eligible family members exceeds 185 percent of their needs as set by the state.

By law, the county must also consider both the income and needs of undocumented alien children who live with you to see if this helps you meet the income test. Your family's gross income still exceeds 185 percent of your needs, including the income and needs of the undocumented children. So you do not qualify for aid. See table below.

If you wish your aid to start again, you must turn in a CA 7 report for the month shown above. You may get aid again if your income has dropped or if your needs have increased.

Income Source (Eligible family, Undocumented Children and Excluded Parent with income)	Amount	Computation of Need (Eligible family, Undocumented Children and Excluded Parent with income)
_____	\$ _____	1. Basic Need for _____ Persons \$ _____
_____	\$ _____	2. Special Need + _____
_____	\$ _____	3. Total \$ _____
_____	\$ _____	x 1.85
_____	\$ _____	4. 185% of Need \$ _____
_____	\$ _____	
_____	\$ _____	
Gross Income	\$ _____	

Regulations. This action is required by State regulations which are available for review at the county welfare department: Manual of Policies and Procedures (MPP) Section(s) 44-207.2, Darces v. Woods Court Order and ACL 85-19.

Medi-Cal: California Administrative Code Title 22, Section(s) _____

Child Support. The District Attorney can help you locate an absent parent, legally establish your child's paternity, and collect child support. To obtain these services, or to continue them if aid is discontinued, you must contact the District Attorney's office.

Family Planning Services. Information is available from the County Welfare Department on request.

State Hearing. If you are dissatisfied with this action, your aid may continue unchanged if you ask for a State Hearing before the effective date of the action. Read the back for important information about your right to appeal this action.

Darces v. Woods 3, Suspension 185 Percent Gross Income

Notice of Action

*If you have questions or want more information
about this action, please contact your worker.*

Case Name :
Case Number :
Worker :
Phone :
Date :

Description of the Action, Amount, Reason(s), Comments. Effective _____, the following action is being taken:

- ☐ The County has approved your application for cash aid.
- ☐ The County is changing your cash aid from \$_____ to \$_____.

On the attached sheet, your cash aid payment has been figured.

By law, the County has considered the unmet need of the undocumented alien children who live with you when figuring your cash aid payment.

Regulations. This action is required by State regulations which are available for review at the county welfare department: Manual of Policies and Procedures (MPP) Section(s) 44-315, 44-133.3, Darces v. Woods Court Order and ACL 85-19.

Medi-Cal: California Administrative Code Title 22, Section(s) _____

Child Support. The District Attorney can help you locate an absent parent, legally establish your child's paternity, and collect child support. To obtain these services, or to continue them if aid is discontinued, you must contact the District Attorney's office.

Family Planning Services. Information is available from the County Welfare Department on request.

State Hearing. If you are dissatisfied with this action, your aid may continue unchanged if you ask for a State Hearing before the effective date of the action. Read the back for important information about your right to appeal this action.

Darces v. Woods 4, Grant Approval on Grant Amount Change

Notice of Action

If you have questions or want more information about this action, please contact your worker.

Case Name :
Case Number :
Worker :
Phone :
Date :

Description of the Action, Amount, Reason(s), Comments. Effective _____, the following action is being taken:

- ☐ The County has denied your application for cash aid.
☐ The County has stopped your cash aid.

A recent court order now requires the County to include the unmet need of the undocumented alien children who live with you when determining your family's grant. The County did not do so when your request for aid was denied or stopped. We have now done so. The gross income of your family (below) still exceeds 185 percent of your family's needs as set by the State (line 4). Thus, our earlier decision to deny your aid was correct.

If your income has dropped or your needs have increased, you should reapply to see if you now qualify for a grant.

Income Source (Eligible family, Undocumented Children and Excluded Parent with income)	Amount	Computation of Need (Eligible family, Undocumented Children and Excluded Parent with income)
_____	\$ _____	1. Basic Need for _____ Persons \$ _____
_____	\$ _____	2. Special Need + _____
_____	\$ _____	3. Total \$ _____
_____	\$ _____	x 1.85
_____	\$ _____	4. 185% of Need \$ _____
_____	\$ _____	
_____	\$ _____	
Gross Income	\$ _____	

Regulations. This action is required by State regulations which are available for review at the county welfare department: Manual of Policies and Procedures (MPP) Section(s) 44-207.3, Darces v. Woods Court Order and ACL 85-19.

Medi-Cal: California Administrative Code Title 22, Section(s) _____

Child Support. The District Attorney can help you locate an absent parent, legally establish your child's paternity, and collect child support. To obtain these services, or to continue them if aid is discontinued, you must contact the District Attorney's office.

Family Planning Services. Information is available from the County Welfare Department on request.

State Hearing. If you are dissatisfied with this action, your aid may continue unchanged if you ask for a State Hearing before the effective date of the action. Read the back for important information about your right to appeal this action.

Darces v. Woods 5, (4/85 TEMP) Retroactive Denial or Discontinuance, 185% Gross Income

Notice of Action

If you have questions or want more information about this action, please contact your worker.

Case Name :
Case Number :
Worker :
Phone :
Date :

Description of the Action, Amount, Reason(s), Comments. Effective _____, the following action is being taken:

- ☐ The County has denied your application for cash aid.
☐ The County has stopped your cash aid.

A recent court order now requires the County to include the unmet need of undocumented alien children who live with you when determining the needs of your family. This was not done when the County denied or stopped your cash aid.

The County has now included the income and needs of the undocumented alien children who live with you. Your non-exempt income (line 12, Section B on the attached sheet) still exceeds your family needs as set by the State (line 3, Section C on the attached sheet). Thus, our earlier decision to deny your aid was correct.

If your income has dropped or your needs have increased, you should reapply to see if you now qualify for a grant.

Regulations. This action is required by State regulations which are available for review at the county welfare department: Manual of Policies and Procedures (MPP) Section(s) 44-207.3, Darces v. Woods Court Order, ACL 85-19.

Medi-Cal: California Administrative Code Title 22, Section(s) _____

Child Support. The District Attorney can help you locate an absent parent, legally establish your child's paternity, and collect child support. To obtain these services, or to continue them if aid is discontinued, you must contact the District Attorney's office.

Family Planning Services. Information is available from the County Welfare Department on request.

State Hearing. If you are dissatisfied with this action, your aid may continue unchanged if you ask for a State Hearing before the effective date of the action. Read the back for important information about your right to appeal this action.

Darces v. Woods 6 (4/85 TEMP) Retroactive Denial or Discontinuance, Financial Eligibility

Notice of Action

Page ___ of ___

If you have questions or want more information about this action, please contact your worker.

Case Name :
Case Number :
Worker :
Phone :
Date :

Description of the Action, Amount, Reason(s), Comments. Effective _____, the following action is being taken:

You are getting a one-time cash aid payment of \$ _____.

By law, the County must now include the unmet need of undocumented alien children who live with you. The County must use this law back to November 1984. The County has now done so on the attached sheet(s). You get extra aid for the months shown below.

MONTH	YOU WERE PAID	YOU SHOULD HAVE BEEN PAID	AMOUNT DUE YOU
_____	\$ _____	\$ _____	= \$ _____
_____	\$ _____	\$ _____	= \$ _____
_____	\$ _____	\$ _____	= \$ _____
_____	\$ _____	\$ _____	= \$ _____
_____	\$ _____	\$ _____	= \$ _____
_____	\$ _____	\$ _____	= \$ _____
_____	\$ _____	\$ _____	= \$ _____
_____	\$ _____	\$ _____	= \$ _____
TOTAL			\$ _____

Regulations. This action is required by State regulations which are available for review at the county welfare department: Manual of Policies and Procedures (MPP) Section(s) 44-207.3 and Darces v. Woods Court Order and ACL 85-19.

Medi-Cal: California Administrative Code Title 22, Section(s) _____

Child Support. The District Attorney can help you locate an absent parent, legally establish your child's paternity, and collect child support. To obtain these services, or to continue them if aid is discontinued, you must contact the District Attorney's office.

Family Planning Services. Information is available from the County Welfare Department on request.

State Hearing. If you are dissatisfied with this action, your aid may continue unchanged if you ask for a State Hearing before the effective date of the action. Read the back for important information about your right to appeal this action.

Darces v. Woods 7, (4/85 TEMP) Retroactive Grant Payment

Notice of Action

If you have questions or want more information about this action, please contact your worker.

Case Name :
Case Number :
Worker :
Phone :
Date :

Description of the Action, Amount, Reason(s), Comments. Effective _____, the following action is being taken:

- ☐ Your application for cash aid has been approved. You will get \$ _____.
The amount is figured below.
- ☐ You will start receiving cash aid again.

A recent court order requires the County to count the unmet need of undocumented alien children who live with you when figuring your family's available income. The unmet needs of these children were not counted when your cash aid was denied or stopped.

The unmet needs of the undocumented alien children living with you are included on the attached sheet(s) when figuring your cash aid payment. The aid your family is due is figured for each month you are now eligible for aid back to November 1984 (see attached sheet(s)).

MONTH	AMOUNT DUE
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL AMOUNT DUE \$ _____	

Regulations. This action is required by State regulations which are available for review at the county welfare department: Manual of Policies and Procedures (MPP) Section(s) 44-100, 44-133.3, Darces v. Woods Court Order and ACL 85-19.

Medi-Cal: California Administrative Code Title 22, Section(s) _____

Child Support. The District Attorney can help you locate an absent parent, legally establish your child's paternity, and collect child support. To obtain these services, or to continue them if aid is discontinued, you must contact the District Attorney's office.

Family Planning Services. Information is available from the County Welfare Department on request.

State Hearing. If you are dissatisfied with this action, your aid may continue unchanged if you ask for a State Hearing before the effective date of the action. Read the back for important information about your right to appeal this action.

Darces v. Woods 8, (4/85 TEMP) Retroactive Grant Approval and Computation

Notice of Action - Continued

Case Name :
Case Number :
Date of Notice :

COMPUTATION OF: ☐ Financial Eligibility
☐ Aid Payment
(Month - Year)

Section A: Needs of Undocumented Alien Children and Excluded Parent with Income

Needs	Income of Undocumented Alien Children
1. Total Family Needs* \$ _____	5. Earned Income \$ _____
2. Eligible Family Needs - _____	6. Standard Work Expense Disregard - _____
3. Special Needs** + _____	7. Other Countable Income + _____
4. Total Needs** _____	8. Total Income*** _____
* Eligible Family Members, Undocumented Alien Children and Excluded Parent with Income.	9. <input type="checkbox"/> Line 8 is more than line 4. All income of the parent(s) is used to figure the AFDC eligibility and aid payment.
** Undocumented Alien Children and Excluded Parent with Income.	10. <input type="checkbox"/> Line 4 is \$ _____ more than line 8. This amount will be subtracted from the family income before figuring the AFDC eligibility and aid payment. See line 11, Section B.
	*** Income of Undocumented Alien Children.

Section B: Net Income

Name	Eligible Family	Excluded Parent	Total
1. Total Earned Income	\$ _____	+ \$ _____	
2. Work Expense Disregard	- _____	- _____	
3. Child Care	- _____	- _____	
4. \$30	- _____	XXXXXXXXXX	
5. Subtotal	\$ _____	XXXXXXXXXX	
6. 1/3 Line #5	- _____	XXXXXXXXXX	
7. Other Countable Income			
a. _____	+ _____	+ _____	
b. _____	+ _____	+ _____	
c. _____	+ _____	+ _____	
8. Support Paid	- _____	- _____	
9. Income Subtotal(s)	\$ _____		
10. Total Income of Eligible Family Member(s) and Excluded Parent (Line 9)	(10.) \$ _____		
11. Less Undocumented Alien Children's Unmet Needs (From Item 10, Section A)	(11.) - _____		
12. NET INCOME TOTAL	(12.) \$ _____		

Section C: ELIGIBLE FAMILY MEMBERS' NEED

1. Basic Need for _____ Persons \$ _____
2. Special Need + _____
3. TOTAL NEED OF ELIGIBLE FAMILY \$ _____

Section D: COMPUTATION OF AID

1. Basic Need for _____ Persons \$ _____
2. Special Need + _____
3. Less Net Income, Line 11 - _____
4. Total \$ _____
5. Overpayment Adjustment - _____
6. AID PAYMENT \$ _____

Regulations. These rules apply to the information on this page: Darcas v. Woods Court Order & ACL 85-10. You may review them at your welfare office.

State Hearing. If you think we are wrong, you may ask for a hearing. The back of page 1 tells how. Darcas v. Woods 9, Financial Eligibility/Grant Computation Worksheet

Notice of Action

Page ___ of ___

*If you have questions or want more information
about this action, please contact your worker.*

Case Name :
Case Number :
Worker :
Phone :
Date :

Description of the Action, Amount, Reason(s), Comments. Effective _____, the following action is being taken

Please contact the County Welfare Department at once.

A while back the County told you that you could not get aid. The County may have been wrong. Since November 1984, a court order has required the County Welfare Department to include the unmet need of undocumented alien children who live with you when determining if you can get cash aid. The County did not do that in your case.

Please help us to do so now. You may not only get aid for now, but you may get aid back to the time when your cash aid was denied or stopped.

The information you provide to us will be part of your confidential welfare file.

Regulations. This action is required by State regulations which are available for review at the county welfare department. Manual of Policies and Procedures (MPP) Section(s) Darces v. Woods Court Order and ACL 85-19.

Medi-Cal. California Administrative Code Title 22, Section(s) _____

Child Support. The District Attorney can help you locate an absent parent, legally establish your child's paternity, and collect child support. To obtain these services, or to continue them if aid is discontinued, you must contact the District Attorney's office.

Family Planning Services. Information is available from the County Welfare Department on request.

State Hearing. If you are dissatisfied with this action, your aid may continue unchanged if you ask for a State Hearing before the effective date of the action. Read the back for important information about your right to appeal this action.

Darces v. Woods 10, (4/85 TEMP) General Notice